



## **Indiana Brownfields Program Comfort/Site Status Letter Request Supplemental Information**

**Please include the following information in a transmittal letter with your  
Comfort and Site Status Letter Request Form to facilitate the review of your request:**

1. Identify the basis in statute or enforcement discretion policy for the Comfort Letter request:
  - *the Stakeholder is a government entity exempt from liability under IC 13-25-4-8(e), IC 13-11-2-150(d), or IC 13-11-2-151(b);*
  - *the Stakeholder is a creditor, lender, or fiduciary exempt from liability under IC 13-23-13-14 (IC 13-11-2-150(b)), IC 13-23-13-15, IC 13-24-1-10 (IC 13-11-2-151(d)), IC 13-24-1-11, or IC 13-25-4-8(c);*
  - *the Stakeholder is not the statutory owner of an underground storage tank pursuant to IC 13-11-2-150(a) because the tank was not used after November 8, 1984 and the Stakeholder was not the person who owned the tank immediately before the discontinuation of the tank's use;*
  - *the Stakeholder is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser (BFPP), contiguous property owner (CPO) or innocent landowner (ILO) pursuant to IC 13-25-4-8(b), IC 13-11-2-150(f), IC 13-11-2-150(g), IC 13-11-2-151(g), or IC 13-11-2-151(h);*
  - *the Stakeholder is a nonprofit corporation exempt from liability under IC 13-25-4-8(h), IC 13-11-2-150(e), or IC 13-11-2-151(f); or,*
  - *the Stakeholder satisfies the conditions of IDEM Nonrule Policy Document W-0047, "Property Containing Contaminated Aquifers" (20 IR 1674, January 30, 1997), or IDEM Nonrule Policy Document W-0038 "Property Containing Contaminated Aquifers/Underground Storage Tanks" (23 IR 2141, April 20, 2000).*
2. Identify the parcel(s) comprising the site and the corresponding 18-digit parcel number(s)
3. A legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site\*
4. The date of property acquisition (or proposed property transfer/closing date)
5. A black & white site map (no aerial photos) depicting property boundaries, parcel(s) & parcel number(s)
6. A site redevelopment/design plan (if available)

**If the basis for a Comfort Letter request is the BFPP liability exemption, please complete the attached checklist of additional information required to be submitted with your Comfort Letter request.**

**The following additional information *may* be requested following Program review  
of available site investigation data/reports:**

1. Data table(s) with sample results compared to applicable IDEM screening levels (e.g., residential, commercial/industrial, recreational)
2. A black & white map (no aerial photos) with contaminant locations above applicable IDEM screening levels
3. A table with GPS coordinates of sample locations at which contaminants of concern have been detected above applicable IDEM screening levels
4. A Site map with survey or GPS coordinates establishing the boundaries of any "Affected Area" to which a land use restriction will be tied

*\*Note: if you are a prospective purchaser, and an environmental restrictive covenant is required to be recorded on the deed(s) for the site, your new deed(s) will be utilized at the time of recording.*



## Indiana Brownfields Program BFPP (Bona Fide Prospective Purchaser) Comfort Letter Request Checklist

Date of Phase I report: \_\_\_\_/\_\_\_\_/\_\_\_\_

Entity for which the Phase I report/Phase I Update was prepared (User): \_\_\_\_\_

Which of the following describes the User? (check the applicable box):

- ☐ Prospective Purchaser (has not purchased)
- ☐ Prospective Tenant (has not executed lease)
- ☐ Current Owner (seller or already purchased)
- ☐ Current Tenant (seeking liability protection under existing lease or intending to buy)

Is the User the stakeholder requesting the Comfort Letter? ☐ Yes ☐ No

Who answered the User-specific questions in the Phase I/Phase I Update? \_\_\_\_\_

- Were the questions answered on behalf of the BFPP seeking comfort? ☐ Yes ☐ No

If the User identified above is not the BFPP, has the BFPP obtained a Phase I Update in its name and/or a reliance letter to utilize the Phase I report? ☐ Yes ☐ No

- If yes: Date of the Phase I Update or reliance letter obtained for the BFPP? \_\_\_\_/\_\_\_\_/\_\_\_\_
- If yes: Did the BFPP complete a User-questionnaire for itself when obtaining the Phase I Update or reliance letter? ☐ Yes ☐ No

Phase I report completed within 180 days of (prior to) acquisition (clock on 180 days and one-year shelf life of Phase I report begins ticking from the date on which the earliest report information is collected, NOT the date of the report)?<sup>1</sup> ☐ Yes ☐ No

- If no: Has the User/BFPP obtained a Phase I Update? ☐ Yes ☐ No
- If yes: Date of the Phase I Update: \_\_\_\_/\_\_\_\_/\_\_\_\_

	Date Conducted	Expiration Date
(i) interviews with owners, operators, and occupants;	_____	_____
(ii) searches for recorded environmental cleanup liens;	_____	_____
(iii) reviews of federal, tribal, state, and local government records;	_____	_____
(iv) visual inspections of the <i>property</i> and of <i>adjoining properties</i> ; and,	_____	_____
(v) declaration by the environmental professional	_____	_____

**Report Viability Date (based on earliest expiration date from above-listed items):** \_\_\_\_\_

<sup>1</sup> The "continuing viability" component of the ASTM standard requires updates after 180 days from the earliest date of collection of interviews with owners, operators & occupants; environmental lien search; government database search; visual inspections/site reconnaissance; and, the Environmental Professional declaration. In any case, if a different User relies on the report, the new User must satisfy the User Responsibilities.



## **Indiana Brownfields Program**

### **BFPP (Bona Fide Prospective Purchaser)**

### **Comfort Letter Request Checklist (*continued*)**

Do the Phase I User name and the name of the purchasing entity (to be) listed on the deed match exactly?

☐ Yes ☐ No (If no, need to obtain a reliance letter or a Phase I Update and a complete a new User Questionnaire on behalf of the correct entity)

Phase I/Phase I Update completed in accordance with ASTM E1527-05 or 40 CFR Part 312? ☐ Yes ☐ No

Phase I signed by qualified Environmental Professional with the required certification statement? ☐ Yes ☐ No

Is the BFPP "affiliated with" another party who is potentially liable at the site? ☐ Yes ☐ No

1. *Direct or indirect familial relationship?*
2. *Any contractual, corporate, or financial relationship (other than property transfer instrument)?*
3. *Reorganization of a business entity that was potentially liable?*

For sites already acquired, has the BFPP satisfied continuing obligations since acquisition?

1. *Provided all legally required notices with respect to discovery/release of hazardous substances<sup>2</sup>* ☐ Yes ☐ No ☐ Not Applicable
2. *Taken reasonable steps to stop continuing releases, prevent any threatened future releases, prevent or limit exposure to any previously released hazardous substances* ☐ Yes ☐ No ☐ Not Applicable
3. *Provided full cooperation, assistance and access to persons conducting response actions* ☐ Yes ☐ No ☐ Not Applicable
4. *In compliance with any land use restrictions already established and not impeding the effectiveness or integrity of any institutional control employed at the site in connection with a response action* ☐ Yes ☐ No ☐ Not Applicable
5. *Complied with any request for information or administrative subpoena issued by the U. S. EPA* ☐ Yes ☐ No ☐ Not Applicable

<sup>2</sup> If applying for comfort based on BFPP status for a petroleum-contaminated site, evaluate these criteria for petroleum releases rather than/in addition to hazardous substances.